

The Court of Appeals, in discussing this doctrine, has said many times it is illogical, but that is the state of law in Maryland. That is the way it has been and that is the way we will have to interpret it until the General Assembly does something about it.

To date, the General Assembly has not done anything. There is a need for this. The doctrine which is in force and effect in the State of Maryland today is outmoded.

It stems from the doctrine that the king can do no wrong. When the king appointed his judges, they were in the service of the king and the king could not be sued in his own courts. The doctrine is hundreds of years old and should be done away with.

Now, it has been stated that the General Assembly has acted in this area. I submit to you that it has acted in a few cases only. There are many, many cases in which it has not acted.

I am against the amendment and I ask you to support the Committee's recommendation.

THE CHAIRMAN: Does any other delegate desire to speak in favor of the amendment? The Chair recognizes Delegate Dukes.

DELEGATE DUKES: I want to speak against the amendment.

THE CHAIRMAN: The Chair recognizes Delegate Rybczynski to speak against the amendment.

DELEGATE RYBCZYNSKI: I wish to carry forward the argument of Delegate Macdonald with still another example which can bring this matter home to you fully. If a woman is working at a hospital which carries insurance and she injures herself while changing beds or moving a patient, she will be covered by workmen's compensation. If she has the misfortune of working at the Baltimore City Hospital doing the very same job, receiving the very same injury, she is not covered.

As Delegate Macdonald said, this is archaic and it is ridiculous. In this day of insurance, certainly the state, counties and municipalities are protecting themselves against natural hazards. Why should they not protect themselves against man-made hazards?

If the delegates are really concerned about detail in the Constitution, let us go back to the legislative article which tells the General Assembly how to keep their

ledger. This constitution has portions in it which border on the legislative. However, as Delegate Macdonald pointed out so very well, the legislature has failed to act in this field adequately. It has had a hundred years in which to direct these matters. It has failed to do so.

This is a true progressive type piece of constitutional law. It deserves to be in here and it should stay.

THE CHAIRMAN: Does any other delegate desire to speak in favor of the amendment?

Delegate Moser?

DELEGATE MOSER: I rise to speak in favor of Delegate Scanlan's amendment. I think that the colloquy on the floor has illustrated that this is purely a legislative matter and that it is something which should be carefully considered by the legislature. They considered a number of bills on the subject the last time.

We are moving in the direction of removing sovereign immunity through legislation and I suggest to you that section 7 as it is worded before the Kiefer amendment might have a disastrous effect on some of the smaller subdivisions.

I think that it is something that is a policy matter that we as a Convention cannot possibly give adequate consideration to, and therefore I support the deletion of the section.

THE CHAIRMAN: The Chair recognizes Delegate Dukes.

Before recognizing Delegate Dukes, the Chair recognizes Delegate Case to speak to a matter of personal privilege.

DELEGATE CASE: Mr. Chairman, it gives me great pleasure to announce a group of distinguished visitors in the gallery from your district and mine in Baltimore County.

This is 128 students from Cockeysville Junior High School, accompanied by their teachers, Mrs. Ensor, Mr. De Vita, and Mr. Uhlen.

I hope we will give them a very, very cordial welcome.

(Applause.)

THE CHAIRMAN: The Chair recognizes Delegate Darby to speak to a matter of personal privilege.

DELEGATE DARBY: Thank you, Mr. Chairman and fellow delegates. I would